

little bit of say in where our water goes currently. Senator Schmit alluded a little bit to the fact that there is water flowing out of the state right now and we have no rules and regulations regarding that. There are currently seven wells in western Nebraska that pump water into Colorado and we don't have any control over that. Seven wells is not a problem. I think if I remember right, there was something around the area of 1,000 feet that we were losing a year and it didn't amount to much water right now, but we could be looking at seven right now, we could be looking at 70 or 700 down the road and that's the issue that we need to address and that is what LB 146 does. I would urge the body to pass it over to Select File. Thank you.

SENATOR LABEDZ: Thank you, Senator Hall. Senator Scofield, on the advancement of LB 146.

SENATOR SCOFIELD: Thank you, Madam Chairman. If I could ask Senator Schmit a couple of questions just for clarification.

SENATOR LABEDZ: Senator Schmit.

SENATOR SCHMIT: Yes, I yield.

SENATOR SCOFIELD: Thank you, Senator Schmit. Can you help me understand again what it is that Section 4, what is the purpose of Section 4?

SENATOR SCHMIT: Yes, Senator Scofield. Section 4 outlines the reasons why an application may be made to the Department of Water Resources for the appropriations of any public surface waters of the state and it outlines also then the criteria that the director shall consider in determining whether or not to approve or disapprove that request. At the present time there is nothing in the statute and as a result of a Supreme Court ruling there isn't anything that the director can do except to hold a public hearing and then say, well, folks, go ahead and take the water. Under the provisions of Section 4 of LB 146 we do establish a number of criteria which the director can use and cite if he wishes to deny a request for transfer. What we're really trying to do Senator Scofield is to establish by statute that Nebraska and Nebraska citizens have a "compensable" right to the water that is under their land and on their land. We have held in the past that Nebraskans have the right to use land. The surface waters have always belonged to the State of Nebraska. The overlying landowner has always had the right to